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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STEPHEN WENDELL AND LISA WENDELL,
for themselves and as successors in interest to
MAXX WENDELL, DECEASED,

Plaintiffs,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;
ABBOTT LABORATORIES; SMITHKLINE
BEECHAM d/b/a GLAXOSMITHKLINE; TEVA
PHARMACEUTICALS USA; GATE
PHARMACEUTICALS, a division of TEVA
PHARMACEUTICALS USA; PAR
PHARMACEUTICAL, INC.;

Defendants.

CASE NO. 4:09-CV-04124-CW

**STIPULATION AND ORDER
CHANGING SELECTED ADR
PROCESS AND EXTENDING
DEADLINE FOR CONDUCTING
MEDIATION**

Removal Filed: September 4, 2009

STIPULATION

WHEREAS on December 21, 2009, the Court granted the parties' stipulation to pursue court-connected mediation under ADR L.R. 6;

WHEREAS on June 3, 2010, the Court advised the parties to consider private mediation;

WHEREAS the parties have discussed the Court's recommendation and now consent to private mediation;

WHEREAS the parties are currently scheduled to conduct a mediation in December 2010;

WHEREAS the parties agree that the mediation is more likely to be successful if it is postponed until after further substantive discovery is completed;

WHEREAS the fact discovery deadline is currently set for February 2, 2011;

WHEREAS the parties agree that additional time will be needed to complete fact discovery, but have not yet determined how much additional time will be necessary;

WHEREAS the parties plan to confer further regarding scheduling and to request a continuance of discovery deadlines;

THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. The parties agree to participate in private mediation in lieu of court-connected mediation.

2. The parties agree to conduct the mediation by June 29, 2011.

3. DECLARATION PURSUANT TO L.R. 6-2: The parties declare that: (1) the reason for the requested enlargement of time is to allow time to prepare for a meaningful mediation; (2) there has been no previous modification to the schedule for the case; and (3) the parties anticipate that this time modification will have no effect on the current schedule for the case.

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1 Dated: December 17, 2010.

2 /s/ Kevin Haverty

3 Kevin Haverty (*pro hac vice*)
4 WILLIAMS CUKER BEREZOVSKY
5 Woodland Falls Corporate Park
6 210 Lake Drive East, Suite 101
7 Cherry Hill, NJ 08002
8 *Counsel for Plaintiffs*

/s/ Andrew P. Bautista

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7 /s/ Michelle A. Childers

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/s/ Prentiss W. Hallenbeck, Jr.

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11 /s/ William A. Hanssen

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*Counsel for SmithKline Beecham
Corporation
d/b/a GlaxoSmithKline*

/s/ Prentiss W. Hallenbeck, Jr.

Prentiss W. Hallenbeck, Jr. (*pro hac vice*)
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Cincinnati, OH 45202
Counsel for Par Pharmaceutical, Inc.

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: December 15, 2010

25 
26 CLAUDIA WILKEN
27 United States District Judge
28

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Traci L. Shafroth, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR CONDUCTING MEDIATION. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Kevin Haverty, counsel for Plaintiffs; Michelle A. Childers, counsel for Centocor Ortho Biotech, Inc., and Johnson & Johnson; Prentiss W. Hallenbeck, Jr., counsel for Teva Pharmaceuticals USA, Inc., and Par Pharmaceutical, Inc.; William A. Hanssen, counsel for SmithKline Beecham Corporation.

/s/ Traci L. Shafroth

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 17, 2010, I electronically filed the foregoing STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR CONDUCTING MEDIATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses registered, as denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed a true and correct copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants listed below:

John D. Winter
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1133 Avenue Of The Americas
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Jeffrey F. Peck
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: December 17, 2010

By: s/ Traci L. Shafroth

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